

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

ADMINISTRATIVE OFFICE

2008 MAR -7 11:10:31

INSURANCE COMMISSIONER

IN RE: : VIOLATIONS:
: :
STEPHEN J. WASHKALAVITCH, : 63 Pa. Code, Section 861
345-T Danbury Court : :
Glen Mills, PA 19342 : :
: :
Respondent. : Docket No. CO07-08-016

CONSENT ORDER

AND NOW, this *7th* day of *March*, 2007, this Order is hereby issued by the Insurance Department of the Commonwealth of Pennsylvania pursuant to the statutes cited above and in disposition of the matter captioned above.

1. Respondent hereby admits and acknowledges that he has received proper notice of his rights to a formal administrative hearing pursuant to the Administrative Agency Law, 2 Pa.C.S. § 101, et seq., or other applicable law.

2. Respondent hereby waives all rights to a formal administrative hearing in this matter, and agrees that this Consent Order, and the Findings of Fact and Conclusions of Law contained herein, shall have the full force and effect of an Order duly entered in accordance with the adjudicatory procedures set forth in the Administrative Agency Law, supra, or other applicable law.

3. Without admitting the allegations of fact and conclusions of law contained herein, Respondent specifically denies that he violated any law or regulation of the Commonwealth.

FINDINGS OF FACT

4. The Insurance Department finds true and correct each of the following Findings of Fact:

- (a) Respondent is Stephen J. Washkalavitch, and resides at 345-T Danbury Court, Glen Mills, Pennsylvania 19342.
- (b) At all relevant times herein, Respondent has held an active Motor Vehicle Physical Damage Appraiser license number 139279.
- (c) On July 27, 2006, Respondent was contacted by Penn National Insurance Company and requested to appraise an insurance claim for a vehicle involved in a motor vehicle accident.
- (d) On or about July 30, 2006, Respondent conducted the above appraisal for motor vehicle physical damage repair work to be completed at Crawford's Auto Center, located in Downingtown, Pennsylvania.

- (e) Following the above appraisal, Respondent failed to leave a copy of the appraisal at the repair facility as required by law.

CONCLUSIONS OF LAW

5. In accord with the above Findings of Fact and applicable provisions of law, the Insurance Department concludes and finds the following Conclusions of Law:

- (a) Respondent is subject to the jurisdiction of the Pennsylvania Insurance Department.
- (b) Section 11(b) of the Motor Vehicle Physical Damage Appraisers Act (63 P.S. § 861) requires an appraiser to leave a copy of his appraisal with the repair shop containing all necessary information.
- (c) Respondent's activities described above in paragraph 3(e) constitute failure to leave a copy of the appraisal at the repair shop, and violate Section 11(b) of the Motor Vehicle Physical Damage Appraisers Act (63 P.S. § 861).
- (d) Respondent's violations of Section 11(b) of the Motor Vehicle Physical Damage Appraisers Act are punishable by the following, under Section 6 of the Motor Vehicle Physical Damage Appraisers Act (63 P.S. § 856):

(i) The commissioner may suspend or revoke any appraiser's license for any of the following causes:

(1) If the licensee willfully violates, fails to comply with, or knowingly participates in the violation of or failure to comply with any provision of this act or regulation promulgated thereunder.

(2) If the licensee has materially misrepresented the terms of any insurance contract or has engaged in any fraudulent transaction.

(3) If the licensee has shown himself to be incompetent or untrustworthy.

ORDER

6. In accord with the above Findings of Fact and Conclusions of Law, the Insurance Department orders and Respondent consents to the following:

(a) Respondent shall cease and desist from engaging in the activities described herein in the Findings of Fact and Conclusions of Law.

(b) Respondent's certificates and licenses may be immediately suspended by the Department following its investigation and determination that (i) any terms of this Order have not been complied with, or (ii) any complaint against Respondent is accurate and a statute or regulation has been violated. The Department's right to act under this section is limited to a period of three (3) years from the date of this Order.

(c) Respondent specifically waives his right to prior notice of said suspension, but will be entitled to a hearing upon written request received by the Department no later than thirty (30) days after the date the Department mailed to Respondent by certified mail, return receipt requested, notification of said suspension, which hearing shall be scheduled for a date within sixty (60) days of the Department's receipt of Respondent's written request.

(d) At the hearing referred to in paragraph 6(c) of this Order, Respondent shall have the burden of demonstrating that he is worthy of a license.

(e) In the event Respondent's certificates and licenses are suspended pursuant to paragraph 6(b) above, and Respondent either fails to request a hearing within thirty (30) days or at the hearing fails to demonstrate that he is worthy of a license, Respondent's suspended certificates and licenses shall be revoked.

7. In the event the Insurance Department finds that there has been a breach of any of the provisions of this Order, based upon the Findings of Fact and Conclusions of Law contained herein, the Department may pursue any and all legal remedies available, including but not limited to the following: The Department may enforce the provisions of this Order in an administrative action pursuant to the Administrative Agency Law, supra, or other relevant provision of law; or, if applicable, the Department may enforce the provisions of this Order in any other court of law or equity having jurisdiction.

8. Alternatively, in the event the Department finds that there has been a breach of any of the provisions of this Order, the Department may declare this Order to be null and void and, thereupon, reopen the entire matter for appropriate action pursuant to the Administrative Agency Law, supra, or other relevant provision of law.

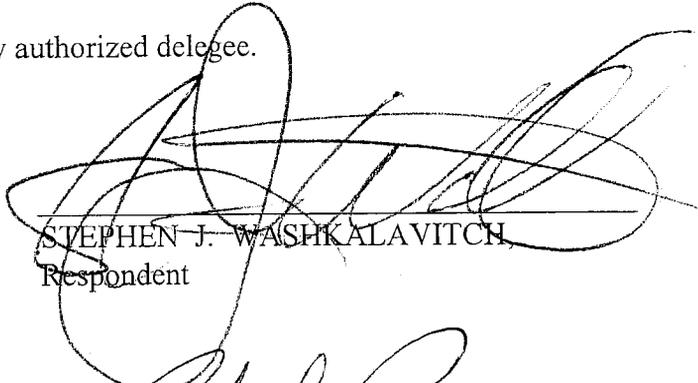
9. In any such enforcement proceeding, Respondent may contest whether a breach of the provisions of this Order has occurred but may not contest the Findings of Fact and Conclusions of Law contained herein.

10. Respondent hereby expressly waives any relevant statute of limitations and application of the doctrine of laches for purposes of any enforcement of this Order.

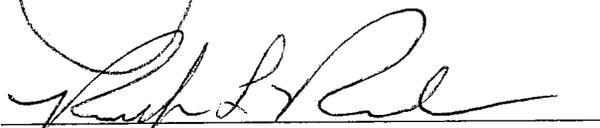
11. This Order constitutes the entire agreement of the parties with respect to the matters referred to herein, and it may not be amended or modified except by an amended order signed by all the parties hereto.

12. This Order shall be final upon execution by the Insurance Department. Only the Insurance Commissioner or the duly authorized delegee is authorized to bind the Insurance Department with respect to the settlement of the alleged violation of law contained herein, and this Consent Order is not effective until executed by the Insurance Commissioner or the duly authorized delegee.

BY:



STEPHEN J. WASHKALAVITCH
Respondent



RANDOLPH L. ROHRBAUGH
Deputy Insurance Commissioner
Commonwealth of Pennsylvania

BEFORE THE INSURANCE COMMISSIONER
OF THE
COMMONWEALTH OF PENNSYLVANIA

IN RE: The Act of April 9, 1929, P.L. 177, No. 175, known as The
Administrative Code of 1929

AND NOW, this 6th day of July 2007, Randolph L. Rohrbaugh,

Deputy Insurance Commissioner, is hereby designated as the Commissioner's duly
authorized representative for purposes of entering in and executing Consent Orders. This
delegation of authority shall continue in effect until otherwise terminated by a later Order
of the Insurance Commissioner.



Joel S. Ario
Insurance Commissioner

